

REMARKS

Claims 1-10 are pending in the present application. Claims 1-5 stand rejected. Claims 6-10 are withdrawn from consideration as being directed to a non-elected invention. By the present amendment, Applicants have amended Claims 1 and 3. No new matter has been added by the amendments herein. Reconsideration of the present application in light of the present remarks is respectfully requested.

I. Election/Restriction under 35 U.S.C. §121

The Examiner indicates that the originally filed claims comprise two distinct inventions:

Group I: Claims 1-5

Group II: Claims 6-10

The Examiner requires restriction of the present application to either Group I or Group II under 35 U.S.C. §121. In compliance with 37 C.F.R. § 1.143, Applicant elects to prosecute claim Group I. Applicant's election is not to be construed as an admission that Applicant believes any embodiment set forth in the above-identified application is obvious over any other embodiment set forth in the above-identified application. Applicant reserves the right to prosecute the non-elected embodiment(s) in a divisional or other continuation application.

II. Claim Rejections under 35 U.S.C. § 103

The Examiner rejected Claims 1-5 under 35 U.S.C. §103. The Examiner rejected claims 1, 3 and 5 as being obvious over U.S. Patent No. 5,911,217 to Dameworth ("Dameworth") in view of U.S. Patent No. 4,266,929 to Swenson ("Swenson"). The Examiner rejected claim 2 as being obvious over Dameworth in view of Swenson and further in view of U.S. Patent No. 4,488,853 to

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Benson ("Benson"). The Examiner rejected claim 4 as being obvious over Dameworth in view of Swenson and further in view of U.S. Patent No. 1,991,557 to Johnson ("Johnson").

The Examiner contends that Dameworth discloses substantially all of the claimed invention, except for the drive mechanism. The Examiner further contends that the claimed rack and pinion drive unit is the functional equivalent of and interchangeable with the linkage drive system disclosed by Swenson.

Applicant respectfully submits that no combination of Dameworth, Swenson, Benson and/or Johnson render obvious the currently amended claims. None of the cited prior art references disclose, teach or otherwise render obvious a detector that senses the position of said damper, as required by each of the currently pending claims.

Therefore, Applicant respectfully submits that, in view of the claim amendments presented above, the Examiner's 35 U.S.C. § 103 rejections have been overcome. Accordingly, Applicant respectfully requests that the Examiner's 35 U.S.C. § 103 rejections be withdrawn.

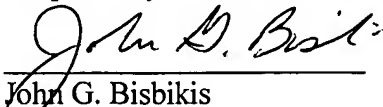
CONCLUSION

Applicant asserts that this application is in condition for allowance. If for any reason the Examiner is unable to allow the application and feels that an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned attorney at (312) 372-2000.

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Respectfully submitted,



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